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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Customer No.:	23643
Art Unit:	2616
Confirmation No.:	8938
Application No.:	09/555,718
Invention:	INSTRUMENT SETUP UTILITY PROGRAM
Inventor:	Carol J. Batman, et al.
Filed:	January 12, 2001
Attorney Docket:	5727-65998
Examiner:	Vu, Thong H.

FILED MAY 23, 2007

AMENDMENT

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

These remarks are submitted in response to the February 27, 2007 official action. The Examiner rejected claims 1-32 under 35 U. S. C. § 102. The Examiner relied upon Goodman U. S. Patent 5,827,180 to support this rejection.

Claim 1, the only independent claim among claims 1-32, recites

> "A method of configuring a hand-held instrument having on-board circuitry for determining the concentration of a medically significant component of a body fluid or a control and producing an electrical signal representative thereof . . . "

In Goodman, the only possible "hand-held instrument having on-board circuitry for determining the concentration of a medically significant component of a body fluid or a control and producing an electrical signal representative thereof" is medical device 70 of Goodman's Fig. 5. About Goodman's medical device 70, Goodman says

> "[T]hrough the use of a custom interface to translate a signal of the medical device 70 corresponding to the measured parameter into a signal form acceptable to processor 10, the data obtained from basic medical devices 70, such as blood pressure, pulse, blood glucose meters, pulmonary function, cholesterol, etc., can be stored whenever the data is obtained, and then uploaded to the host computer 30 through the data processor 1 0 and/or message device 20."

Goodman, col. 7, lines 34-44. What Goodman does not say is that either data or instructions goes from Goodman's processor 10 to Goodman's medical devices 70. And with good reason. Goodman's medical devices 70 are described as "basic medical devices 70, such as blood pressure, pulse, blood glucose meters, pulmonary function, cholesterol, etc.," with there being no indication that devices 70 are adapted to receive instructions and/or data from Goodman's data processor 10 and be configured in the process. However, claim 1, from which claims 2-32 depend, either directly or indirectly, specifically requires

> providing a configuring computer having a first port for transmitting at least one of instructions and data for configuring the instrument, providing on the instrument a second port for receiving said at least one of instructions and data from the configuring computer, connecting said first port directly to said second port, transmitting said one of instructions and data to configure said instrument from said first port directly to said second port, receiving said one of instructions and data directly from said first port at said second port, and configuring said instrument according to said one of instructions and data transmitted from said first port and received at said second port.

As noted above, that doesn't happen in Goodman. Thus, Goodman does not meet each limitation of claim 1 from which claims 2-32 depend directly or indirectly. The 35 U. S. C. § 102 rejection based upon Goodman is thus overcome.